

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

TERRA SIMPSON,

Plaintiff,

Case No.
Hon.

vs.

SAMANTHA SCHERER,

Defendant.

THE MICHIGAN LAW FIRM, PC
RACINE M. MILLER (P72612)
Attorney for Plaintiff
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PLAINTIFF'S COMPLAINT

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

NOW COMES the Plaintiff, TERRA SIMPSON, by and through her counsel, THE MICHIGAN LAW FIRM, PC, and for her cause of action against Defendant SAMANTHA SCHERER, states as follows:

COMMON ALLEGATIONS

1. That Plaintiff TERRA SIMPSON (“**Plaintiff**”) is a resident of the State of Alabama.

2. That upon information and belief, Defendant SAMANTHA SCHERER (“**Defendant**”) is a resident of the County of Branch, State of Michigan.
3. That this action arises from a cat bite incident that occurred on or about December 26, 2023, at the home of SCHERER, in the county of Branch, State of Michigan.
4. While visiting Defendant, Plaintiff was sitting in the Defendant’s home, at which point, Defendant’s cat, without warning, attacked the Plaintiff.
5. The Defendant’s cat, without provocation and through no fault of the Plaintiff, bit Plaintiff on or near her right wrist, leaving multiple puncture wounds.
6. Plaintiff suffered a severe reaction to the cat bite wounds, requiring substantial medical treatment to her right upper extremity, including surgical intervention, medications, and physical therapy.
7. Defendant, at all times relevant, owned, possessed, and/or controlled the subject domestic cat.
8. The amount in controversy is within the jurisdiction of this Honorable Court because Plaintiff claims damages in excess of \$75,000.

9. Diversity jurisdiction under 28 U.S.C. § 1332 exists as Plaintiff is a citizen of a different state than the Defendant and the amount in controversy is greater than \$75,000.

10. Plaintiff's claims arise from Michigan common law.

COUNT I
GENERAL NEGLIGENCE

11. Plaintiff restates the allegations set forth in the preceding paragraphs as though set forth word-for-word herein.

12. That Defendant was on notice of Plaintiff's cat allergy, the cat's history of aggression towards people, and the cat's lack of required vaccinations.

13. That Defendant owed Plaintiff the following duties of care:

- a. to act with reasonable care;
- b. to exercise reasonable care to protect invitees from an unreasonable risk of harm caused by a dangerous condition, even if the condition is open and obvious;
- c. to exercise ordinary care and prudence to keep their premises in a reasonably safe condition for the Plaintiff's use;
- d. to warn of unsafe conditions;
- e. to maintain the property in a safe manner;

- f. to inspect the property for dangerous conditions;
 - g. to use ordinary care to prevent injury arising from the Defendant's active negligence;
 - h. to exercise the amount of control which would be exercised by a reasonable person based upon the total situation at the time, including the past behavior of the animal and the injuries that could have been reasonably foreseen; and
 - i. to ensure that all basic veterinary guidelines are met for domestic pets.
14. That as a direct and proximate result of the breach of Defendant's duties, this cat bite attack occurred, and the injuries stated in this Complaint resulted.
15. That Plaintiff, through no fault of her own, sustained multiple bodily injuries to her right upper extremity, as well as other related and appreciable difficulties, injuries, or consequences that have occurred, developed, or aggravated any preexisting problem that might have existed.
16. That as a direct and proximate result of the negligence of Defendant, Plaintiff suffered serious injuries and may in the future suffer or may permanently suffer mental anguish, pain and suffering, injuries, and limitations, including serious impairment of body function and/or

permanent or serious disfigurement and aggravation of any preexisting conditions. Plaintiff's damages include, but are not limited to, the following injuries:

- a. Serious injuries to Plaintiff's upper right extremity, as well as other related and appreciable difficulties, injuries, or consequences that have occurred, developed, or aggravated any preexisting problem that might have existed;
- b. Pain, suffering, and mental anguish;
- c. Other damages, injuries, and consequences that are found to be related to the subject incident that developed during the course of discovery, to the extent that the damages are recoverable;

17. That as a result of the subject accident, Plaintiff has suffered permanent serious disfigurements.

WHEREFORE, Plaintiff TERRA SIMPSON respectfully requests a judgment be entered against Defendant SAMANTHA SCHERER for a monetary amount greater than \$75,000, exclusive of costs, interest, and reasonable attorney fees.

COUNT II
STRICT LIABILITY

18. Plaintiff restates the allegations set forth in the preceding paragraphs as though set forth word-for-word herein.

19. Defendant was, at all times relevant, the possessor of the subject domestic cat.

20. Defendant had knowledge of and/or should have had knowledge of the domestic cat's history of abnormally aggressive behavior and propensity for attacking guests.

21. The aforementioned harms were the direct result of the cat's dangerous propensity of attacking guests.

WHEREFORE, Plaintiff TERRA SIMPSON respectfully requests a judgment be entered against Defendant SAMANTHA SCHERER for a monetary amount greater than \$75,000, exclusive of costs, interest, and reasonable attorney fees.

Respectfully submitted,

THE MICHIGAN LAW FIRM, PC

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